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United States of America
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

CASE NO. 1:21-CR-00027-JLT-SKO

12 Plaintiff,

STIPULATION TO VACATE STATUS
CONFERENCE, SET CHANGE OF PLEA, AND
EXCLUDE TIME UNDER SPEEDY TRIAL ACT;
ORDER

13 v.

14 LUIS NOE HERNANDEZ ROJO,

Defendant.

DATE: February 15, 2023

TIME: 1:00 p.m.

COURT: Hon. Sheila K. Oberto

17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant Luis Noe
19 Hernandez Rojo, by and through their counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for status conference on February 15, 2023.
21 2. By this stipulation, defendant now moves to vacate the status conference and set a change
22 of plea on March 20, 2023, and to exclude time between February 15, 2023, and March 20, 2023, under
23 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
24 3. The parties agree and stipulate, and request that the Court find the following:
25 a) The government has represented that the discovery associated with this case
26 includes numerous reports, photographs, and recordings. The government has provided
27 discovery and/or has made discovery available to counsel for review. The government is aware
28 of its ongoing discovery obligations.

- 1 b) Counsel for defendant desires additional time to consult with their client, review
2 the current charges, conduct investigation, review/copy discovery, discuss potential resolutions
3 with their client, prepare pretrial motions, and/or to otherwise prepare for trial.
- 4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny them the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.
- 7 d) The government does not object to the continuance.
- 8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendants in a trial within the
10 original date prescribed by the Speedy Trial Act.
- 11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of February 15, 2023, to March 20,
13 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis
15 of the Court's finding that the ends of justice served by taking such action outweigh the best
16 interest of the public and the defendant in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the

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1 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
2 must commence.

3 IT IS SO STIPULATED.

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5 Dated: February 1, 2023

PHILLIP A. TALBERT
United States Attorney

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7 /s/ JESSICA A. MASSEY _____
JESSICA A. MASSEY
8 Assistant United States Attorney

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10 Dated: February 1, 2023

/s/ JOSEPH BENINCASA
JOSEPH BENINCASA
Counsel for Defendant
LUIS NOE HERNANDEZ ROJO

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12
13 ORDER

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15 IT IS SO ORDERED.

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18 DATED: 2/6/2023

Sheila K. Oberto
19 Hon. Sheila K. Oberto
U.S. Magistrate Judge